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Susan M. Leming, Esq.
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July 23, 2020

Via ECF

Honorable James B. Clark, III, U.S.M.J.
U.S. District Court of New Jersey
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: Charles Davies, Bart Panessa, and Jeff Niemeier, Individually and on behalf
of all others similarly situated v. Katanga Mining Limited, et al.,
Civil Action No.: 2:17-cv-12188- CCC-JBC**

Dear Judge Clark,

We represent the Defendants Glencore PLC and Ivan Glasenberg in the above-referenced matter. We submit the enclosed Certifications of Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus in Support of Applications for *Pro Hac Vice* Admission for the Court's consideration. Also enclosed is a proposed Consent Order as Plaintiff's counsel has consented to the respective *pro hac* admissions request. If the enclosed meets with the Court's approval, we respectfully request Your Honor execute the enclosed Order.

We thank the Court for its time and attention to this request.

Respectfully submitted,

BROWN & CONNERY, LLP

/s Susan M. Leming
Susan M. Leming

Enclosures

cc: All counsel of record (via ECF)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

CHARLES DAVIES, BART PANESSA, and
JEFF NIEMEIER, Individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTADAKIS, LIAM
GALLAGHER, TIM HENDERSON, IVAN
GLASENBERG, and GLENCORE, PLC,

Defendants.

Civil Action No. 2:17-cv-12188-CCC-JBC

**CERTIFICATION OF
SUSAN M. LEMING
IN SUPPORT OF APPLICATION FOR
ADMISSIONS PRO HAC VICE**

I, Susan M. Leming, an attorney duly admitted to practice law in the Courts of the State of New Jersey and the United States District Court for the District of New Jersey, and of full age, certify pursuant to Local Civil Rule 101.1(c), as follows.

1. I am a member of the law firm of Brown & Connery, LLP, attorneys for Defendants Glencore PLC and Ivan Glasenberg (“Defendants”), in the within matter. I submit this Certification in support of the application of Defendants seeking the admissions of Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus as counsel *pro hac vice* in this matter pursuant to Local Civil Rule 101.1(c). I am personally familiar with the facts set forth in this Certification.

2. I am in good standing in all the bars of which I am a member. I have never been subjected to any discipline by any court or governing body.

3. If the Court grants the *pro hac vice* admissions of Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus, either I or another attorney associated with Brown & Connery, LLP, will continue to serve as local counsel of record in this matter, will review and sign all pleadings,

briefs and other papers filed with the Court, will be responsible for the conduct of this action and for the conduct of the attorneys admitted *pro hac vice*, will accept service of all papers filed with the Court, will appear at all scheduled Court proceedings, and will otherwise comply with all the terms and conditions of Local Civil Rule 101.1(c).

4. If the Court grants the *pro hac vice* admissions of Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus, I shall ensure that *pro hac vice* counsel shall comply with Local Civil Rule 101.1(c).

For the foregoing reasons and the reasons set forth in the Certifications of Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus, it is respectfully requested that the Court grant the application of Defendants to admit Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus *pro hac vice* to appear and participate as Defendants' counsel in this matter pursuant to Local Civil Rule 101.1(c).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 23, 2020

s/ Susan M. Leming
Susan M. Leming

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

CHARLES DAVIES, BART PANESSA, and
JEFF NIEMEIER, Individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTADAKIS,
LIAM GALLAGHER, TIM HENDERSON,
IVAN GLASENBERG, and GLENCORE, PLC,

Defendants.

Civil Action No. 2:17-cv-12188-CCC-JBC

**CERTIFICATION OF
DAVID S. LESSER
IN SUPPORT OF APPLICATION
FOR ADMISSION PRO HAC VICE**

I, David S. Lesser, of full age, hereby certify pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law and a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP with offices located at 7 World Trade Center, 250 Greenwich Street, New York, NY 10007.

2. I am duly admitted to the bar of the State of New York, as of 2002. The office and address of the official maintaining my admission is: New York Supreme Court, Appellate Division, First Judicial Department, 26th Floor, 41 Madison Avenue, New York, NY 10010. I am a member in good standing in this court.

3. There are no disciplinary proceedings pending against me in any jurisdiction, and no discipline has previously been imposed on me in any jurisdiction.

4. I submit this certification in support of the application by the Defendants Glencore PLC and Ivan Glasenberg ("Defendants"), to permit me to appear and participate, *pro hac vice*, as counsel for Defendants at pretrial proceedings and at the trial of this action.

5. I am familiar with this matter. Defendants have requested that my firm and I appear and participate in their representation in the pretrial proceedings and at the trial of this action.

6. I am associated in this matter with Susan M. Leming, a member of Brown & Connery, LLP, who is the attorney of record for Defendants and, is authorized to practice law

in the State of New Jersey, and is a member in good standing of the bar of this court. I was also previously admitted *pro hac vice* in this Court in the matter captioned Henry Church VI, Individually and on behalf of All Others Similarly Situated v. Glencore PLC, Ivan Glasenberg, and Steven Kalmin, Civil Action No. 2:18-cv-11477 (SDW-CLW).

7. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Rule 1:28-2(a), for any year in which I continue to appear in this matter.

8. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the Clerk of the United States District Court in the amount of \$150.00 pursuant to Local Civil Rule 101.1(c)(3).

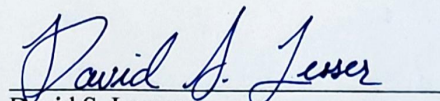
9. I will abide by Local Civil Rule 101.1(c).

10. I understand that, upon admission *pro hac vice*, I am within the disciplinary jurisdiction of this court and agree to notify the Court immediately of any matter affecting my standing at the bars of any other courts.

11. For the foregoing reasons, it is respectfully requested that the Court grant Defendants' application to have me admitted *pro hac vice* to appear and participate as counsel in this matter pursuant to Local Rule 101.1(c).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 22, 2020


David S. Lesser

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

CHARLES DAVIES, BART PANESSA, and
JEFF NIEMEIER, Individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTADAKIS,
LIAM GALLAGHER, TIM HENDERSON,
IVAN GLASENBERG, and GLENCORE, PLC,

Defendants.

Civil Action No. 2:17-cv-12188-CCC-JBC

**CERTIFICATION OF
JAMIE S. DYCUS
IN SUPPORT OF APPLICATION FOR
ADMISSION PRO HAC VICE**

I, Jamie S. Dycus, of full age, hereby certify pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law and a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP with offices located at 7 World Trade Center, 250 Greenwich Street, New York, NY 10007.

2. I am duly admitted to the bar of the State of New York, as of 2007. The office and address of the official maintaining my admission is: New York Supreme Court, Appellate Division, Second Judicial Department, 45 Monroe Place, Brooklyn, New York, NY 11201. I am a member in good standing in this court.

3. There are no disciplinary proceedings pending against me in any jurisdiction, and no discipline has previously been imposed on me in any jurisdiction.

4. I submit this certification in support of the application by the Defendants Glencore PLC and Ivan Glasenberg ("Defendants"), to permit me to appear and participate, *pro hac vice*, as counsel for Defendants at pretrial proceedings and at the trial of this action.

5. I am familiar with this matter. Defendants have requested that my firm and I appear and participate in their representation in the pretrial proceedings and at the trial of this action.

6. I am associated in this matter with Susan M. Leming, a member of Brown & Connery, LLP, who is the attorney of record for Defendants and, is authorized to practice law

in the State of New Jersey, and is a member in good standing of the bar of this court. I was also previously admitted *pro hac vice* in this Court in the matter captioned Henry Church VI, Individually and on behalf of All Others Similarly Situated v. Glencore PLC, Ivan Glasenberg, and Steven Kalmin, Civil Action No. 2:18-cv-11477 (SDW-CLW).

7. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Rule 1:28-2(a), for any year in which I continue to appear in this matter.

8. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the Clerk of the United States District Court in the amount of \$150.00 pursuant to Local Civil Rule 101.1(c)(3).

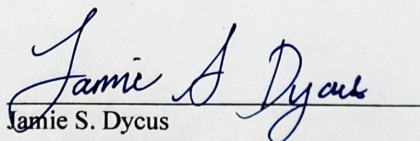
9. I will abide by Local Civil Rule 101.1(c).

10. I understand that, upon admission *pro hac vice*, I am within the disciplinary jurisdiction of this court and agree to notify the Court immediately of any matter affecting my standing at the bars of any other courts.

11. For the foregoing reasons, it is respectfully requested that the Court grant Defendants' application to have me admitted *pro hac vice* to appear and participate as counsel in this matter pursuant to Local Rule 101.1(c).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 22, 2020


Jamie S. Dycus

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

CHARLES DAVIES, BART PANESSA, and
JEFF NIEMEIER, Individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTADAKIS,
LIAM GALLAGHER, TIM HENDERSON,
IVAN GLASENBERG, and GLENCORE, PLC,

Defendants.

Civil Action No. 2:17-cv-12188-CCC-JBC

**CERTIFICATION OF
MICHAEL G. BONGIORNO
IN SUPPORT OF APPLICATION
FOR ADMISSION PRO HAC VICE**

I, Michael G. Bongiorno, of full age, hereby certify pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law and a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP with offices located at 7 World Trade Center, 250 Greenwich Street, New York, NY 10007.

2. I am duly admitted to the Bar of the Commonwealth of Massachusetts as of December 17, 1991. The office and address of the official maintaining my admission is: Supreme Judicial Court for the County of Suffolk, John Adams Courthouse, 1st Floor, One Pemberton Square, Suite 1300, Boston, MA 02108-1707. I am a member of good standing in this Court.

3. I am duly admitted to the Bar of the United States District Court for the District of Massachusetts as of April 24, 1992. The office and address of the official maintaining my admission is: John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, MA 02110. I am a member of good standing in this court.

4. I am duly admitted to the Bar of the State of New Hampshire as of June 1, 1992. The office and address of the official maintaining my admission is: New Hampshire

Supreme Court, One Charles Doe Drive, Concord, NH 03301. I am a member of good standing in this court.

5. I am duly admitted to the Bar of the United States Court of Appeals for the First Circuit as of December 17, 1992. The office and address of the official maintaining my admission is: John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2500, Boston, MA 02210. I am a member of good standing in this court.

6. I am duly admitted to the Bar of the United States Court of Appeals for the Ninth Circuit as of July 25, 2000. The office and address of the official maintaining my admission is: James R. Browning U.S. Courthouse, 95 7th Street, San Francisco, CA 94103. I am a member of good standing in this court.

7. I am duly admitted to the Bar of the State of New York as of September 7, 2005. The office and address of the official maintaining my admission is: New York State Supreme Court, Appellate Division, First Department, 27 Madison Avenue, New York, NY 10010. I am a member of good standing in this court.

8. I am duly admitted to the Bar of the United States District Court for the Southern District of New York as of March 20, 2007. The office and address of the official maintaining my admission is: Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, NY 10007. I am a member of good standing in this court.

9. I am duly admitted to the Bar of the United States District Court for the Eastern District of New York as of October 11, 2017. The office and address of the official maintaining my admission is: United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201. I am a member of good standing in this court.

10. I am duly admitted to the Bar of the United States Court of Appeals for the Second Circuit as of September 12, 2018. The office and address of the official maintaining

my admission is: Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007. I am a member of good standing in this court.

11. I am duly admitted to the Bar of the United States Court of Appeals for the Third Circuit as of April 23, 2019. The office and address of the official maintaining my admission is: James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. I am a member of good standing in this court.

12. There are no disciplinary proceedings pending against me in any jurisdiction, and no discipline has previously been imposed on me in any jurisdiction.

13. I submit this certification in support of the application by the Defendants Glencore PLC and Ivan Glasenberg ("Defendants"), to permit me to appear and participate, *pro hac vice*, as counsel for Defendants at pretrial proceedings and at the trial of this action.

14. I am familiar with this matter. Defendants have requested that my firm and I appear and participate in their representation in the pretrial proceedings and at the trial of this action.

15. I am associated in this matter with Susan M. Leming, a member of Brown & Connery, LLP, who is the attorney of record for Defendants and, is authorized to practice law in the State of New Jersey, and is a member in good standing of the bar of this court. I was also previously admitted *pro hac vice* in this Court in the matter captioned Henry Church VI, Individually and on behalf of All Others Similarly Situated v. Glencore PLC, Ivan Glasenberg, and Steven Kalmin, Civil Action No. 2:18-cv-11477 (SDW-CLW).

16. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Rule 1:28-2(a), for any year in which I continue to appear in this matter.

17. Upon being admitted to appear and participate in this matter *pro hac vice*, I shall promptly make payment to the Clerk of the United States District Court in the amount of \$150.00 pursuant to Local Civil Rule 101.1(c)(3).

18. I will abide by Local Civil Rule 101.1(c).

19. I understand that, upon admission *pro hac vice*, I am within the disciplinary jurisdiction of this court and agree to notify the Court immediately of any matter affecting my standing at the bars of any other courts.

For the foregoing reasons, it is respectfully requested that the Court grant Defendants' application to have me admitted *pro hac vice* to appear and participate as counsel in this matter pursuant to Local Rule 101.1(c).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 22, 2020


Michael G. Bongiorno

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

CHARLES DAVIES, BART PANESSA, and
JEFF NIEMEIER, Individually and on behalf of all
others similarly situated,

Plaintiff,

vs.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE, MATTHEW
COLWILL, ARISTOTELIS MISTADAKIS,
LIAM GALLAGHER, TIM HENDERSON,
IVAN GLASENBERG, and GLENCORE, PLC,

Defendants.

Civil Action No. 2:17-cv-12188-CCC-JBC

**ORDER FOR
PRO HAC VICE ADMISSIONS**

This matter having been opened to the Court by Brown & Connery, LLP, attorneys for Defendants Glencore PLC and Ivan Glasenberg (“Defendants”), for an Order, pursuant to Local Civil Rule 101.1(c), allowing Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus admissions *pro hac vice* on behalf of Defendants; Plaintiffs consenting to the admissions requested; and the Court having considered this matter pursuant to FED. R. CIV. P. 78, and for good cause shown,

IT IS on this _____ day of _____, 2020, ORDERED that:

1. Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus of the law firm Wilmer Cutler Pickering Hale and Dorr LLP, with offices located at 7 World Trade Center, 250 Greenwich Street, New York, NY 10007, members in good standing of the Bars in which they are admitted, be hereby permitted to appear *pro hac vice* in the action pursuant to Local Civil Rule 101.1(c); however, all pleadings, briefs and other papers filed with the Court on behalf of Defendants shall be signed by a member or associate of the firm of Brown & Connery, LLP,

who is admitted to practice before this Court, who shall be responsible for said papers, and for the conduct of the cause, and who shall be present in Court during all phases of these proceedings, unless expressly excused by the Court, and who will be held responsible for the conduct of the attorney admitted hereby; and it is

FURTHER ORDERED that Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus pay \$150.00 to the Clerk, United States District Court of New Jersey as required by Local Civil Rule 101.1(c)(3); and it is

FURTHER ORDERED that Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus shall pay the annual fee to the New Jersey Lawyers' Fund for Client Protection in accordance with New Jersey Court Rule 1:28-2 in this year and any subsequent year in which they are admitted *pro hac vice* in this matter; and it is

FURTHER ORDERED that Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus shall be bound by the General and Admiralty Rules of the United States District Court for the District of New Jersey, including, but not limited to the provisions of L. Civ. R. 103.1, Judicial Ethics and Professional Responsibility, and L. Civ. R. 104.1, Discipline of Attorneys; and it is

FURTHER ORDERED that Michael G. Bongiorno, David S. Lesser and Jamie S. Dycus shall be deemed to have agreed to take no fee in any tort case in excess of the New Jersey State Court Contingency Fee Rule, Rule 1:21-7, as amended.

So Ordered,

Hon. James B. Clark, III, U.S.M.J.